

ESTTA Tracking number: **ESTTA498737**

Filing date: **10/08/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202391
Party	Plaintiff Altadis U.S.A. Inc.
Correspondence Address	CHARLES W GRIMES GRIMES BATTERSBY LLC 488 MAIN AVENUE THIRD FLOOR NORWALK, CT 06851 UNITED STATES dize@gandb.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Russell D. Dize
Filer's e-mail	dize@gandb.com
Signature	/Russell D. Dize/
Date	10/08/2012
Attachments	Consented Motion to Suspend 100812.pdf (4 pages)(210126 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 85/366,925
Published in the *Official Gazette* on October 18, 2011

-----X		
Altadis U.S.A. Inc.,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No.: 91202391
	:	
TMS International Corp.,	:	
	:	
Applicant.	:	
-----X		

CONSENTED MOTION TO SUSPEND

Opposer, Altadis U.S.A. Inc., pursuant to Rule 2.117(c) of the Rules of Practice in Trademark Cases, 37 C.F.R. § 2.117(c), respectfully moves the Board for an Order suspending this Opposition, and in support thereof states as follows:

1. Opposer's Pretrial Disclosures are currently due on **October 15, 2012**, and Opposer's Trial Period is set to open on **October 30, 2012**.
2. The parties are engaged in settlement negotiations and have exchanged a written agreement that would resolve their dispute. The parties reached an agreement on terms several months ago, and counsel for Opposer forwarded the execution copy of a settlement agreement to counsel for Applicant at that time. Applicant has not yet returned an executed agreement. The requested suspension will give the parties additional time to finalize their settlement without having to incur the burden and expense of testimony.

3. It is well settled that the Board may suspend proceedings for settlement negotiations, subject to the right of either party to request resumption at any time. TBMP § 510.03(a). *See also Instruments SA Inc. v. ASI Instruments Inc.*, 53 U.S.P.Q.2d 1925, 1927 (TTAB 1999) (“the safest course of action for a party in pursuit of settlement is . . . to file a consented motion to suspend the proceeding”).

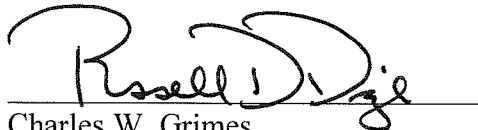
4. Counsel for the Applicant, R. Joseph Trojan, consented to a three month suspension of this proceeding in email correspondence with counsel for Opposer, Russell D. Dize.

5. In the event that a settlement is not finalized during the suspension, Opposer will notify the Board so that trial dates may be reset.

WHEREFORE, Opposer, with Applicant’s consent, respectfully requests that the Board suspend this proceeding, and for such other and further relief as the Board deems just and proper.

Dated: October 8, 2012

Respectfully submitted,

A handwritten signature in black ink, reading "Russell D. Dize", written over a horizontal line.

Charles W. Grimes

Russell D. Dize

Attorneys for Opposer

GRIMES & BATTERSBY, LLC

488 Main Avenue

Norwalk, Connecticut 06851-1008

Telephone No.: (203) 849-8300

Facsimile No.: (203) 849-9300

Attorney Docket No.: CC157USL09

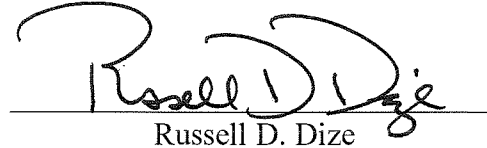
CERTIFICATE OF SERVICE AND FILING

The undersigned hereby certifies that a copy of the foregoing Consented Motion for Suspension was served on the Attorney/Correspondent of Record for Applicant on the date indicated below by depositing the same with U.S.P.S. First Class Mail, postage prepaid to:

R. JOSEPH TROJAN, ESQ.
TROJAN LAW OFFICES
9250 WILSHIRE BLVD STE 325
BEVERLY HILLS, CA 90212-3376

and further certifies that the aforementioned Notice of Opposition was filed with the Trademark Trial and Appeal Board on the date indicated below online through the ESTTA system of the United States Patent and Trademark Office.

Dated: October 8, 2012



Russell D. Dize